

IN THE CIRCUIT COURT OF THE  
19TH JUDICIAL CIRCUIT, IN AND  
FOR MARTIN COUNTY, FLORIDA

CHRISHANDA MCMILLIAN, as Natural Mother,  
Sole Caregiver, and Survivor of the deceased  
minor child, JAKEEM MCMILLIAN, and  
anticipated Personal Representative of the  
ESTATE OF JAKEEM MCMILLIAN,

Plaintiff,

CASE NUMBER:

v.

TREASURE COAST DIAMONDS, LLC, a  
Florida Limited Liability Company, and TREASURE  
COAST LIQUIDATORS II LLC, a Florida  
Limited Liability Company,

Defendants.

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**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, CHRISHANDA MCMILLIAN, as Natural Mother, Sole Caregiver, and Survivor of the deceased minor child, JAKEEM MCMILLIAN, and as anticipated Personal Representative of the ESTATE OF JAKEEM MCMILLIAN, by and through undersigned counsel, hereby files this Complaint and Demand for Jury Trial against Defendants, TREASURE COAST DIAMONDS, LLC, a Florida Limited Liability Company, and TREASURE COAST LIQUIDATORS II LLC, a Florida Limited Liability Company (Treasure Coast Diamonds, LLC and Treasure Coast Liquidators II, LLC are collectively referred to as the “Defendants”), and alleges as follows:

**PARTIES, JURISDICTION, AND VENUE**

1. This is an action seeking damages in excess of \$15,000.00, exclusive of interest, court costs, and attorneys’ fees, and is therefore within the jurisdiction of this Court.
2. Venue is proper pursuant to Section 47.011, Florida Statutes, because the acts giving rise to this action occurred in Martin County, Florida.

3. At all times material hereto, Chrishanda McMillian was the natural mother, sole caregiver, and survivor of her now deceased minor son, Jakeem McMillian.

4. Jakeem McMillian was seventeen years old at the time he was shot and killed.

5. At all times material hereto, Chrishanda McMillian was and is a resident of Broward County, Florida.

6. At all times material hereto, Defendant, Treasure Coast Diamonds, LLC was and is authorized to conduct business in Martin County, Florida, and its principal address was and is located at 2317 NW Federal Highway, Stuart, Florida 34994.

7. At all times material hereto, Defendant, Treasure Coast Liquidators II, LLC was and is authorized to conduct business in Martin County, Florida, and its principal address was and is located at 2319 NW Federal Highway, Stuart, Florida 34994.

8. The Defendants are in the business of selling jewelry and have a store located at 2319 NW Federal Highway, Stuart, Florida 34994 situated in the 2300 block of NW Federal Highway, Stuart, Florida 34994, which is in a commercial shopping plaza (the Defendants' store, together with the property located at the 2300 block of NW Federal Highway, and its surrounding areas shall hereinafter be referred to as the "Subject Premises").

9. All conditions precedent necessary to bring this action have been performed, have occurred, or have been waived.

### **FACTUAL ALLEGATIONS**

10. On December 13, 2018, the now deceased minor child, Jakeem McMillian, was in the Defendants' store located on the Subject Premises.

11. After exiting the store, Jakeem McMillian got into a vehicle on the passenger side that was parked on the Subject Premises. The vehicle then started to drive out of and leave the Subject Premises.

12. At that time, when Jakeem McMillian was already seated in the departing vehicle, Michael Dacey, an agent, employee, or servant, of the Defendants' store, who had followed Jakeem McMillian out of the store, apparently believing that Jakeem McMillian had taken items from the store, fired a gun into the parking lot in the direction of the vehicle in which Jakeem McMillian was seated.

13. At the time that Mr. Dacey discharged his weapon, there was no threat of imminent physical harm to Mr. Dacey or any of Defendants' employees.

14. The bullet travelled through the rear window of the departing vehicle and struck Jakeem McMillian in the back of the head.

15. After spending multiple days in the hospital on life support, Jakeem McMillian died on December 19, 2018.

**COUNT I - NEGLIGENCE / WRONGFUL DEATH**  
**(Vicarious Liability against Treasure Coast Diamonds, LLC)**

16. Plaintiff reasserts and re-alleges paragraphs 1 through 15 above and incorporates same as if fully set forth herein.

17. Michael Dacey – an agent, employee, or servant of Treasure Coast Diamonds, LLC – owed a duty of care to act in a reasonably prudent manner and not put other individuals in harm's way.

18. While acting in the course and scope of his relationship with Treasure Coast Diamonds, LLC, Mr. Dacey breached his duty of care.

19. Mr. Dacey breached his duty of care by, including but not limited to:

- a. Recklessly discharging a firearm into the parking lot and traffic in the direction of the vehicle in which Jakeem McMillian was a passenger when there was no imminent threat of physical harm to Mr. Dacey or any of Defendants' employees;
- b. Using unnecessary, unjustified, and excessive deadly force that was not warranted under the circumstances; and
- c. Additional acts of negligence not yet discovered.

20. Treasure Coast Diamonds, LLC is vicariously liable for the negligent and reckless acts of its agent, employee, or servant, Michael Dacey.

21. As a direct and proximate result of the negligence of Michael Dacey, for which Treasure Coast Diamonds, LLC is vicariously liable, Jakeem McMillian died and the Plaintiff has suffered damages. Plaintiff has sustained the following damages:

- a. Lost support and services;
- b. Future loss of support and services;
- c. Mental pain and suffering;
- d. Medical and funeral expenses;
- e. Loss of the prospective net accumulations of the deceased, had he lived his normal life expectancy; and
- f. All other damages recoverable under Florida's Wrongful Death Act, sections 768.18 through 768.26, Florida Statutes, or by law.

WHEREFORE, Plaintiff, CHRISHANDA MCMILLIAN, as Natural Mother, Sole Caregiver, and Survivor of the deceased minor child, JAKEEM MCMILLIAN, and as anticipated Personal Representative of the ESTATE OF JAKEEM MCMILLIAN, demands judgment for damages against Defendant, TREASURE COAST DIAMONDS, LLC, together with costs and any further relief this Court deems just and proper.

**COUNT II - NEGLIGENCE / WRONGFUL DEATH**  
**(Vicarious Liability against Treasure Coast Liquidators II, LLC)**

22. Plaintiff reasserts and re-alleges paragraphs 1 through 15 above and incorporates same as if fully set forth herein.

23. Michael Dacey – an agent, employee, or servant of Treasure Coast Liquidators II, LLC – owed a duty of care to act in a reasonably prudent manner and not put other individuals in harm's way.

24. While acting in the course and scope of his relationship with Treasure Coast Liquidators II, LLC, Mr. Dacey breached his duty of care.

25. Mr. Dacey breached his duty of care by, including but not limited to:

- a. Recklessly discharging a firearm into the parking lot and traffic in the direction of the vehicle in which Jakeem McMillian was a passenger when there was no imminent threat of physical harm to Mr. Dacey or any of Defendants' employees;
- b. Using unnecessary, unjustified, and excessive deadly force that was not warranted under the circumstances; and
- c. Additional acts of negligence not yet discovered.

26. Treasure Coast Liquidators II, LLC is vicariously liable for the negligent and reckless acts of its agent, employee, or servant, Michael Dacey.

27. As a direct and proximate result of the negligence of Michael Dacey, for which Treasure Coast Liquidators II, LLC is vicariously liable, Jakeem McMillian died and the Plaintiff has suffered damages. Plaintiff has sustained the following damages:

- a. Lost support and services;
- b. Future loss of support and services;
- c. Mental pain and suffering;
- d. Medical and funeral expenses;
- e. Loss of the prospective net accumulations of the deceased, had he lived his normal life expectancy; and
- f. All other damages recoverable under Florida's Wrongful Death Act, sections 768.18 through 768.26, Florida Statutes, or by law.

WHEREFORE, Plaintiff, CHRISHANDA MCMILLIAN, as Natural Mother, Sole Caregiver, and Survivor of the deceased minor child, JAKEEM MCMILLIAN, and as anticipated Personal

Representative of the ESTATE OF JAKEEM MCMILLIAN, demands judgment for damages against Defendant, TREASURE COAST LIQUIDATORS II, LLC, together with costs and any further relief this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff, CHRISHANDA MCMILLIAN, as Natural Mother, Sole Caregiver, and Survivor of the deceased minor child, JAKEEM MCMILLIAN, and as anticipated Personal Representative of the ESTATE OF JAKEEM MCMILLIAN, demands a trial by jury of all issues so triable as a matter of right.

**DATED** this 4th day of January 2019.

Respectfully submitted,

**SHINER LAW GROUP, P.A.**

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